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Attorney for MARGE SIMPSON

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARGE SIMPSON and
ABE SIMPSON,

Defendants.

Case No. CR-04-0111-XYZ

EX PARTE APPLICATION AND
DECLARATION OF LIONEL
HUTZ IN SUPPORT OF MARGE
SIMPSON'S THIRD REQUEST
FOR AUTHORIZATION OF
COSTS FOR NECESSARY
DEFENSE EXPENDITURES,
18 U.S.C. § 3006A

FILE IN CJA CONFIDENTIAL FILE

Pursuant to the Criminal Justice Act, Marge Simpson hereby applies ex parte for authorization of costs for necessary defense expenditures. In support of this application, Mrs. Simpson submits the declaration of his counsel, Lionel Hutz, which is attached hereto and incorporated herewith.

I, LIONEL HUTZ, make the following declaration under penalty of perjury:

1. I am an attorney at law duly admitted to practice in the State of California and admitted to the bar of this Court. By appointment under the Criminal Justice Act, I represent defendant Marge Simpson in the above-captioned matter. Unless otherwise noted, I make this declaration of my own personal knowledge, and if called as a witness, I

1 could and would testify competently to the contents hereof.

2 2. Mrs. Simpson is charged with conspiracy to kidnap in violation of Title 18,
3 U.S.C. § 1201(c) and with the substantive offense of kidnapping, in violation of Title 18
4 U.S.C. § 1201(a). Mrs. Simpson faces a possible life sentence in this case. In specific, if
5 convicted after trial, the United States Sentencing Guidelines provide that Mrs. Simpson's
6 base offense level is level 32. In addition, the indictment alleges enhancements that, if
7 proved at trial, add an additional four levels (two levels if the victim was not released
8 before thirty days had elapsed – U.S.S.G. § 2A4.1(b)(4)(a), and two levels if the defendant
9 knew or should have known that the victim was a vulnerable victim --U.S.S.G. §
10 3A1.1(b)(1)), for a total adjusted offense level of 36. Mrs. Simpson's criminal history
11 category appears to Category V. Accordingly, if convicted of the charged offenses plus
12 enhancements, Mrs. Simpson faces a sentencing range of 292 to 365 months (24.33 to 30.4
13 years), or what is essentially a life sentence. Mrs. Simpson is 55 years old.

14 3. Mrs. Simpson is charged with co-defendant Abe Simpson in this case. It is
15 the government's theory that Mr. Simpson and Mrs. Simpson conspired to and did, kidnap
16 Mr. Simpson's mother, Pauline Simpson. The government alleges that Mr. Simpson
17 transported Mrs. Pauline Simpson to Mexico, and that Mrs. Simpson maintained control
18 over her in Mexico.

19 4. The bulk of the government's case against Mrs. Simpson concerns her
20 actions while in Mexico. Accordingly, effective assistance of counsel requires a thorough
21 investigation of the circumstances of Mrs. Pauline Simpson's stay in Mexico, including
22 interviews of persons who took care of Mrs. Pauline Simpson there, persons who
23 interacted with her and with Mrs. Simpson and persons who witnessed the events
24 surrounding Mrs. Pauline Simpson's departure from Mexico. In October of 2004, we
25 requested and received authorization from this court for our private investigator, Kirk Van
26 Houten, to travel to Mexico and perform such investigation.

27 5. Between October 26, 2004 and November 2, 2004, Mr. Van Houten traveled
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1 to various places in Mexico to conduct interviews and perform other investigative tasks.
2 Mr. Van Houten conducted interviews of potential witnesses in Spanish and videotaped
3 these interviews. On November 5, 2004, I met with Mr. Van Houten to discuss his
4 findings in Mexico and view the videotapes. Mr. Van Houten provided explanation
5 regarding the context of the interviews and also translated brief portions of the interviews
6 so that I could ascertain the pertinence of each witness' statements related to our client's
7 case.

8 6. The interviews I viewed are critical in establishing Mrs. Simpson's defense.
9 The persons interviewed are key witnesses who spent time with Mrs. Simpson and Mrs.
10 Pauline Simpson during her stay in Mexico; among those interviewed are two paid
11 caretakers for Mrs. Pauline Simpson, a doctor who treated Mrs. Pauline Simpson in
12 Mexico, and neighbors, friends, and family members of Mrs. Simpson and her husband,
13 Homer Simpson. Many were witness to Mrs. Pauline Simpson's interaction with Mrs.
14 Simpson and his immediate family.

15 9. The interviews that must be translated are as follows:

- 16 (a) Eight (8) interviews of witnesses conducted in Bucerías, location
17 where Pauline Simpson was picked up on January 3, 2004. Mrs.
18 Pauline Simpson stayed with Artie Ziff at Flamingos Club de Golf, #7
19 in Bucerías, Nyarit, Mexico at least twice during her stay in Mexico,
20 once in late August of 2003, and again in late December 2003 until
21 January 3, 2004.
- 22 (b) Ten (10) interviews of witnesses conducted in Atolinga, Mexico.
23 Pauline Simpson resided in Atolinga with Artie Ziff and his wife,
24 Margarita Covarrubias, from September 2003 to December 2003.
25 Mrs. Pauline Simpson attended family outings and interacted with
26 friends and relatives of the White family while residing in Atolinga.

27 10. I have contacted Brandine Spuckler, Certified Spanish Court Interpreter,
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1 who has
2 agreed to perform the translations of the above-referenced interviews. I requested that Ms.
3 Spuckler provide us with an estimate of the total cost of transcription and translation of the
4 interviews from Spanish to English. Ms. Spuckler's estimate, including an explanation of
5 hours to be expended and associated costs for this service, is attached hereto as Exhibit A.
6 A true and correct copy of Ms. Spuckler's curriculum vitae is attached hereto as Exhibit B.

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8 11. I am aware that the CJA standard hourly rate for interpreters is \$65 an hour.
9 Ms. Spuckler has requested an hourly rate of \$49 for this matter, and estimates that the
10 translation of the interviews will take approximately 91 hours.

11 12. For the foregoing reasons, I respectfully request the following orders:

12 (a) authorization for the amount of \$4,809.00, to be utilized as follows:

13 \$4,459.00, at the rate of \$49 per hour, for the services of Brandine
14 Spuckler to perform translation of the interviews conducted by Kirk
15 Van Houten in Mexico; \$350.00 for the video laboratory charge to
16 transfer the audio portion of the videos to audio cassettes in order to
17 facilitate the translation process;

18 (b) the filing in the CJA Confidential File of this Ex Parte Application
19 and Declaration of Lionel Hutz in Support of Marge Simpson's Third
20 Request for Authorization of Costs for Necessary Defense
21 Expenditures, 18 U.S.C. § 3006a, and the [Proposed] Third Order
22 Authorizing Costs for Necessary Defense Expenditures for Marge
23 Simpson, 18 U.S.C. § 3006a.

24 Executed under penalty of perjury of the laws of the United States, at San
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1 Francisco, California, this 7th day of December 2004.

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Lionel Hutz
Attorney for MARGE SIMPSON

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